

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

(1) KELLY J. GRIGGS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-20-1287-F
)	
(1) WINGARD TRANSPORT, LLC,)	
an Oklahoma limited liability company;)	
)	
(2) JOHN D. CUSTAR; and)	
)	
(3) JONATHAN WINGARD,)	
)	
Defendants.)	

COMPLAINT
(JURY TRIAL DEMANDED)

COMES NOW the Plaintiff, KELLY J. GRIGGS by and through his attorney of record, James F. Self, Jr. of Self & Associates, Inc., and for his cause of action against the Defendants, WINGARD TRANSPORT, LLC, JOHN D. CUSTAR and JONATHAN WINGARD, alleges and states as follows, to-wit:

1. Plaintiff is an individual and citizen of the State of California.
2. Defendant, WINGARD TRANSPORT, LLC, is an Oklahoma limited liability company, organized and existing under the laws of the State of Oklahoma with its principal place of business in Oklahoma, and at all times material to this action, doing business in the State of Oklahoma.

3. Defendant, JOHN D. CUSTAR, is an individual and upon information and belief, a resident of the State of Oklahoma and was a resident of the State of Oklahoma at all times material to this action.

4. Defendant, JONATHAN WINGARD, is an individual and resident of the State of Oklahoma and was an owner of Defendant WINGARD TRANSPORT, LLC, on February 5, 2019.

5. Defendant, JONATHAN WINGARD, was the owner of the truck driven by Defendant, JOHN D. CUSTAR, is an individual and resident of the State of Oklahoma, at all times material to this action.

6. The occurrence which is the subject matter of this litigation occurred in Canadian County, Oklahoma.

7. This court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because the parties have diverse citizenship, the cause of action arose in Canadian County, Oklahoma, and the amount in controversy exceeds the sum of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

8. On or about the 5th day of February, 2019, the Plaintiff, KELLY J. GRIGGS, a State of California resident, was driving a semi-truck and trailer driving westbound and had slowed for traffic on Interstate 40 near the City of El Reno, Canadian County, Oklahoma. A semi-truck and trailer being driven by the Defendant, JOHN D. CUSTAR, was also travelling westbound on the same Interstate 40, travelling at an excessive and unsafe speed, collided and striking the rear of the semi-truck and trailer

driven by the Plaintiff, KELLY J. GRIGGS. Said collision causing severe personal injuries to the Plaintiff.

9. At the time and place of the collision, the semi-truck Defendant, JOHN D. CUSTAR was driving, was operating under D.O.T. number 3211443 registered to JONATHAN WINGARD, P. O. Box 624, Thomas, Oklahoma 73669.

10. At the time and place of said collision, JOHN D. CUSTAR, upon information and belief, was a resident of the State of Oklahoma, and was the agent, servant, or employee of WINGARD TRANSPORT, LLC and/or JONATHAN WINGARD.

11. Plaintiff's injuries were the direct and proximate result of the negligence of JOHN D. CUSTAR, individually and as the agent, servant and/or employee of WINGARD TRANSPORT, LLC. as follows:

a. The Defendant, JOHN D. CUSTAR, failed to maintain a proper lookout for other traffic;

b. The Defendant, JOHN D. CUSTAR, failed to devote his full time and attention to his driving;

c. The Defendant, JOHN D. CUSTAR, recklessly failed to use his brakes and other mechanical means available to avoid the collision;

d. The Defendant, JOHN D. CUSTAR, was following too closely and recklessly travelling at an unsafe speed for road conditions without regard to other traffic including the Plaintiff;

e. The Defendant, JOHN D. CUSTAR, was an inattentive driver and was distracted causing the collision; and

f. That the Defendant, JONATHAN WINGARD, exercised significant power and control over WINGARD TRANSPORT, LLC and JOHN D. CUSTAR on February 5, 2019, and prior thereto including the employment and training of JOHN D. CUSTAR.

12. That Defendants, WINGARD TRANSPORT, LLC, and/or JONATHAN WINGARD, negligently hired, screened, retained, trained, or instructed the Defendant, JOHN D. CUSTAR, with regard to the operation of its motor vehicle and his required compliance with both state and federal laws including the FMCSA regulations. Defendant, WINGARD TRANSPORT, LLC, and/or JONATHAN WINGARD, therefore negligently entrusted their vehicle to the Defendant, JOHN D. CUSTAR, and were individually negligent in contributing to the cause of the collision and Plaintiff's injuries.

13. That the actions of Defendants, WINGARD TRANSPORT, LLC, JOHN D. CUSTAR, and/or JONATHAN WINGARD, were intentional, willful, wanton, grossly negligent and reckless, without regard to the safety of the community as a whole and/or KELLY J. GRIGGS in particular. Said actions entitle Plaintiff to an award of punitive damages.

14. As a result of the Defendants' negligence the Plaintiff, KELLY J. GRIGGS, suffered serious physical injuries, said injuries are permanent, painful and progressive. As a result of said injuries, Plaintiff has incurred and will incur future medical expenses; lost wages; her earning capacity has been reduced; she has endured and will endure both physical and mental pain and suffering; will be permanently disabled/impaired and

disfigured and she has been damaged in an aggregate sum in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, KELLY J. GRIGGS, prays judgment against the Defendants herein, in an amount in excess of \$75,000.00 together with interest and costs in this action. Plaintiff further prays judgment for punitive damages against the Defendants herein, in an amount in excess of \$75,000.00, together with interest and costs in this action.

Respectfully submitted,

/s/ James F. Self, Jr.

James F. Self, Jr. OBA #8063

SELF & ASSOCIATES, INC.

8720 S. Pennsylvania Avenue, #A

Oklahoma City, OK 73159

Telephone: (405) 685-2111

Facsimile: (405) 685-2189

jself@aol.com; jo.selflaw@yahoo.com

Attorney for Plaintiff,

KELLY J. GRIGGS

ATTORNEY'S LIEN CLAIMED

JURY TRIAL DEMANDED